



UTAH DEPARTMENT OF CORRECTIONS 2010 PRISON HOUSING CLOSURE REQUEST FOR INFORMATION

In order to comply with a 5% total budget reduction, the Department of Corrections needs to close two of its prison housing units. The department's mission includes providing for the safety of the public, as well as ensuring offender success. The proposal outlined provides the best chance of accomplishing this mission.

TOTAL ON-GOING REDUCTION AT 5%	\$11,857,600
CONVERSION TO OFFICER UNIFORM VOUCHER	\$326,590
ELIMINATION OF OFFICER MEALS	\$400,000
ELIMINATION OF PAROLE VIOLATOR CENTER	\$7,600,000
BALANCE REQUIRED TO REACH 5%	\$3,509,000
CLOSURE ~ TWO PRISON HOUSING UNITS (553 INMATES)	\$4,311,000
DOLLAR AMOUNT EXCEEDING 5% REDUCTION	\$802,000

The \$802,000 exceeding the 5% reduction would be used by the department to hire 13 additional Adult Probation and Parole Agents. These will assist in supervising the additional 553 offenders being released into the community due to the closing of the two housing units.

STAFF IMPACTED BY UNIT CLOSURES	53
STAFF CONVERTED TO AP&P AGENTS	13
STAFF TO FILL CORRECTION OFFICER VACANCIES	40



IMPACT OF CLOSING TWO HOUSING UNITS

MALE INMATE POPULATION

Current Male Maximum Capacity: 6,232
Male Capacity Decrease from Two Housing Units: 553

Adjusted Male Maximum Capacity after Closure: 5,679

MALE INMATE CAPACITY

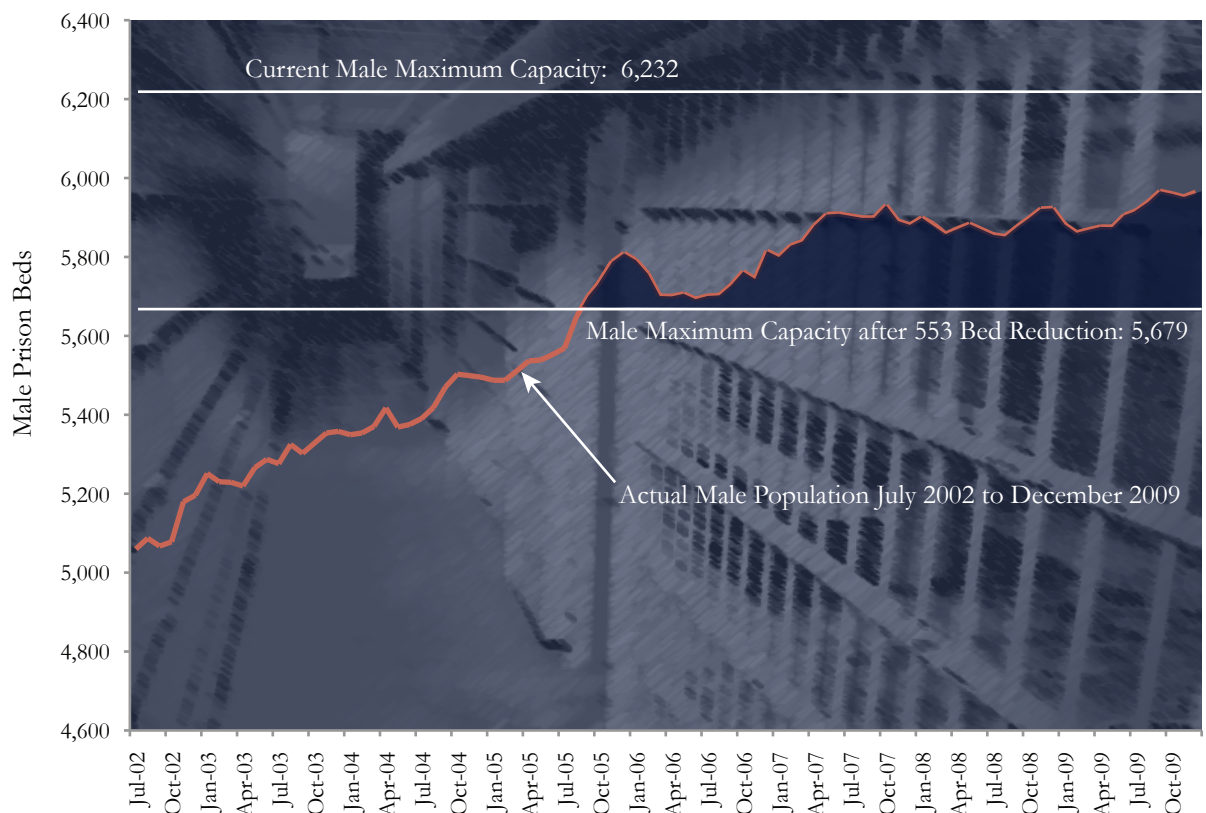
December 2009 Average Male Prison Population: 5,964
Anticipated Growth January ~ June 2010: 66
(current growth is 11 per month)

Estimated Male Prison Population June 30, 2010: 6,030

MALE INMATE POPULATION OVER MAXIMUM CAPACITY ON JUNE 30, 2010

Estimated Male Prison Population June 30, 2010: 6,030
Adjusted Male Maximum Capacity after Closure: 5,679

NUMBER OF BEDS OVER MAXIMUM: 351



PROCESS FOR CLOSING PRISON UNITS

STATUTORY PROCESS FOR EMERGENCY PRISON RELEASE

- When inmate population exceeds physical capacity for 45 days
 - Corrections to notify the Governor of the situation
 - Corrections to notify the Board of Pardons and Parole for emergency release initiation
- After the Governor is notified, Corrections shall:
 - Provide the Board the number of inmate releases required
 - Compile a list of inmates chronologically ordered by release date for the Board
 - Notify the Board if any inmate on the list has violated a disciplinary rule or if there is any other reason to recommend a rescission of the release date
- Board to consider the list and advance parole dates to allow for release
- At this point, the Board may order the release of the eligible inmates
- Corrections shall:
 - Send to CCJJ a list of names of inmates released
 - Provide name and address of each inmate to local law enforcement
- Corrections to notify the Governor when emergency release is completed

64-13-38. Emergency release due to overcrowding.

- (1) When the executive director of the department finds that the inmate population of the Utah State Prison has exceeded physical capacity for at least 45 calendar days, the executive director may:
 - (a) notify the governor that an overcrowding emergency exists and provide him with information relevant to that determination; and
 - (b) notify the Board of Pardons and Parole of the existence of the overcrowding emergency so that the board may commence emergency releases pursuant to Subsection (2).
 - (2) Upon the governor's receipt of notification of the existence of an emergency release, the department shall:
 - (a) notify the board of the number of inmates who need to be released in order to eliminate the overcrowding emergency;
 - (b) in cooperation and consultation with the board, compile a list of inmates by chronological order according to their existing parole release dates, sufficient to eliminate the overcrowding emergency; and
 - (c) for each inmate listed in accordance with Subsection (2)(b), notify the board if the department has any reason to believe that the inmate has violated a disciplinary rule or for some other reason recommends that the inmate's existing parole date be rescinded.
 - (3) Unless the board has identified a reason to believe that the inmate's existing parole date should be rescinded, the parole release date of each inmate identified in Subsection (2)(b) may be advanced a sufficient number of days to allow for release.
 - (4) When the process described in Subsections (2) and (3) has been completed, the board may order the release of the eligible inmates.
 - (5) The department shall:
 - (a) send to the Commission on Criminal and Juvenile Justice a list of names of the inmates released under this section; and
 - (b) provide the name and address of each inmate to the local law enforcement agency for the political subdivision in which the inmate intends to reside.
 - (6) The department shall inform the governor when the emergency release has been completed.
 - (7) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this section.
- Amended by Chapter 382, 2008 General Session

CONSIDERATIONS IN CLOSING HOUSING UNITS

- ⌘ It makes most sense to consider those housing units with the greatest amount of disrepair
- ⌘ More secure beds offer the most flexibility in terms of inmate placement
- ⌘ Placing higher-risk inmates in dormitory housing is not safe
- ⌘ Some housing units run some of the most effective inmate programming ~ these should remain open

REVIEW OF CURRENT HOUSING UNITS FOR CONSIDERATION

⌘ Central Utah Correctional Facility ~ Gunnison, Utah

- ⌘ Provides some of the newest housing units within the department
- ⌘ Older units still in very good repair
- ⌘ Some units provide programming essential to offender success

⌘ Draper Prison Site ~ North Point

- ⌘ Promontory
 - ⌘ Newer housing unit
 - ⌘ In relatively good repair
 - ⌘ Houses the Conquest substance abuse therapeutic community

- ⌘ Olympus
 - ⌘ Department's only unit for mentally ill inmates

⌘ Draper Prison Site ~ South Point

- ⌘ Uinta
 - ⌘ Primary maximum security housing within the department
 - ⌘ Being more secure, the housing is also more flexible
- ⌘ Wasatch
 - ⌘ Better condition than many other units, although also oldest units
 - ⌘ More secure beds allows for more security
- ⌘ Oquirrh 1, 2, and 3
 - ⌘ Best condition of the Oquirrh units
 - ⌘ More secure beds allows for more security

⌘ Potential Selection for Housing Unit Closure

- ⌘ Oquirrh 5
 - ⌘ In significant disrepair
 - ⌘ Dormitory housing ~ less flexibility
- ⌘ Lone Peak
 - ⌘ Least secure of department's housing units
 - ⌘ Provided for inmates with least risk ~ population likely to be released

ARIAL VIEW OF POTENTIALLY CLOSED UNITS



DRAPER
NORTH POINT
(LONE PEAK)

DRAPER
SOUTH POINT
(OQUIRRH 5)



PRISON INMATE RELEASE CONSIDERATIONS

The Board of Pardons and Parole carry the release authority for adults incarcerated in Utah. In the case of a necessary release of a large number of inmates, the Department of Corrections would work with the Board in identifying candidates for the early release. Although Corrections can assist in providing this information, the Board has the final authority in specifying inmates that would be released.

The following are potential considerations in making release decisions:

- No currently active convictions for a violent or sex offense
- No violent history
- Offenders have a verified place of residence
- Offenders already have a parole date given by the Board of Pardons and Parole
- Offenders have a current custody level of 3, 4 or 5
- Offenders have no pending disciplinary activity
- Existing parole dates would only be moved between 30 to 120 days from the former release date

The first step may be the identification of all offenders in prison with a 2nd or 3rd degree offense in the category of alcohol/drug, drug possession only, property, or driving.

Limiting in this way leave 2,478 inmates. The following tables provide information about this group of inmates:

Looking at the data below, just over 40% of these inmates have no previous paroles, while about 60% have previously been paroled one or more time. By excluding those with a violent crime in their history, our pool of 2,478 inmates is reduced to 1,590. Of these, most have over 10 previous arrests and 7 convictions. Most commonly they were first arrested in their teenage years and had more than 7 referrals in the juvenile justice system.

PRIOR PAROLE

Prior Parole Releases	Count	% Total Candidates
0	1,010	40.8%
1	431	17.4
2	388	15.7
3	275	11.1
4	168	6.8
5	97	3.9
6	62	2.5
7	23	0.9
8+	24	0.9

VIOLENT OFFENSE HISTORY

Offense Type	Original Count	Violent History	Total Remaining	% with Violent History
Alcohol/Drug	516	193	323	37.4%
Drug Possess Only	323	135	188	41.8
Property	1,327	449	878	33.8
Driving	312	111	201	35.6
TOTAL	2,478	888	1,590	35.8

CHARACTERISTICS OF OFFENSE HISTORY

Offense type	Avg Adult Arrest	Avg Age 1st Arrest	Avg Adult Convictions	Avg Felony Sentences	Avg Juvenile Referrals	Count
Alcohol/Drug	11.97	18.21	6.96	2.61	7.60	323
Drug Possess Only	13.80	17.57	8.02	2.42	6.71	188
Property	11.78	17.47	7.51	2.89	9.85	878
Driving	13.05	19.40	8.28	2.24	6.93	201
Total						1,590

SERIOUS IMPACTS OF A CROWDED PRISON

INCREASED RISK TO STAFF & INMATE POPULATION

Unlike many other public programs, the reality is prison crowding is a matter of life and death. When prison systems come under increasing population pressure, both inmate-on-inmate and inmate-on-staff violence increases.

We must all fully understand that as we make policy decisions that create an on-going, over-crowded prison environment, the impact is not frustration about potholes or waiting in long lines, instead, we are consciously placing our staff in harms way.

The early release of 553 inmates allows the department to meet the 5% reduction requirement; however, the release keeps the inmate population at or near maximum capacity.

The following are a sampling of quotes from Harry G. Lappin, director of the Federal Bureau of Prisons in testimony before the House Committee on the Judiciary:

“Correctional administrators agree that crowded prisons result in greater tension, frustration, and anger among the inmate population which leads to conflicts and violence.”

“Our analysis revealed that a one percentage point increase in a facility’s inmate population over its rated capacity corresponds with an increase in the prison’s annual serious assault rate by 4.09 per 5,000 inmates.....The results demonstrate through sound empirical research that there is a direct, statistically significant relationship between resources (bed space and staffing) and institutional safety.”

“The violence has also increasingly touched [correctional officers] too, said Glover.

In just over the past year, one [officer] in California was murdered by two inmates while another [officer] in Indiana was ‘brutally stabbed.....’”

HOW CROWDING INCREASES RISK

- Moving inmates who are involved in altercations or who at risk from a cell-mate is frustrated
- Insufficient space for programming leads to idleness which leads to increased tension
- Proper inmate classification-based housing becomes difficult which leads to heightened risk of inmate-on-inmate violence
- Increased density of housing and lack of sufficient movement increases the risk of inmate-on-staff and inmate-on-inmate assaults